

## REMARKS

Claims 1-62 are pending and have been restricted under 35 U.S.C. § 121 into the following groups:

- Group I: Claims 1-10 and 13-37, directed to nucleic acid; and
- Group II: Claims 11, 12 and 38-62 directed to methods to determine the origin of fish samples by assaying for nucleic acid variants.

Applicants respectfully traverse and elect the claims of Group II, claims 11, 12 and 38-62 directed to methods to determine the origin of fish samples by assaying for nucleic acid variants, for examination. Applicants respectfully request that the Restriction Requirement be reconsidered and that the claims of Group II be examined with the claims of Group I.

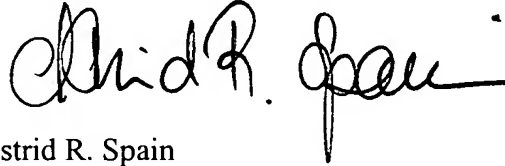
For Group II, Applicants are further required to elect a single polymorphic nucleic acid sequence and the pair of primers of that sequence for examination. Applicants elect, with traverse, the tilapia sequence designated snp81 (SEQ ID NO: 183), which is shown in Figure 4-2 of the specification and which contains a single nucleotide polymorphism (SNP) (C or G at position 81). Applicants further elect, with traverse, the corresponding primer sequences, also shown Figure 4-2: SNP81U (SEQ ID NO: 184) and SNP81L (SEQ ID NO: 185), which are PCR primers useful for amplifying a region containing the SNP and OLA81-1 (SEQ ID NO: 186), OLA81-2 (SEQ ID NO: 187) and OLA81-3, (SEQ ID NO: 188) which are oligonucleotide primers useful for genotyping the SNP using the Oligo Ligation Assay method.

Applicants submitted paper and computer readable copies of the Sequence Listing, in accordance with 37 CFR § 1.821(c) and (e). Applicants are in the process of preparing a substitute application that inserts correct sequence identifiers for all 1377 sequences throughout the application and will submit the replacement specification under separate cover.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Astrid R. Spain", with a stylized flourish at the end.

Astrid R. Spain  
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 ARS:cmm  
Facsimile: 858.597.1585  
**Date: July 5, 2006**

**Please recognize our Customer No. 41552  
as our correspondence address.**